IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

WRIT PETITION NO. 9988 OF 2004.

Bajaj Tempo Employees Consumers
Co-op. Society Ltd. ... Petitioner.
V/s.
The Presiding Officer,
IInd Labour Court, Pune & anr. ... Respondent.

Shri Talsania lwith Mahesh Londhe i/b M/s Sandesh Udeshi & Co. for the petitioner.

Shri A.M. Khandekar holding for M.S. Topkar for respondent No.2.

CORAM : V.C.DAGA, J.

DATED : 12.4.2006.

P.C. :

. Heard learned Counsel for the rival parties.

Perused petition.

. This petition is directed against the order dated 5.4.2004, passed by the Presiding Officer, II Labour Court, Pune, in Ref. IDA No. 192 of 1992, whereby reference was partly allowed and Party No.2- M/s Bajaj Tempo Consumers Co-op. Society Ltd was directed to reinstate the workman within two months without backwages.

. Learned Counsel appearing for the petitioner-Society submits that the Labour Court could not have directed reinstatement of the respondent-employee considering gravity of misconduct. He placed reliance on the judgment of

the Apex Court in the case of **U.P.SRTC vs. Mahendra Nath Tiwari & anr. (2006)1 SCC 118**. Gravity of misconduct in the Apex Court judgment referred to hereinabove, if compared in the light of misconduct alleged in the present proceeding, it is difficult to hold that the said judgment will have any application to the facts of the present case.

. The view taken by the Labour Court is a reasonable and possible view in the facts and circumstances of the case. This Court, not being a Court of Appeal, is not expected to substitute its own view in place of a well reasoned order. The impugned order cannot said to be a perverse order.

. Petition is, therefore, dismissed in limine with no order as to costs.

(V.C.DAGA,J.)